

N. Patrick Flanagan Esquire
Nevada Bar No. 952
Hale, Lane, Peek, Dennison, Howard,
Anderson and Pearl
100 West Liberty Street, Tenth Floor
P.O. Box 3237
Reno, Nevada 89505
Telephone: (702) 327-3000

Andrew H. Wilson, Esquire
SBN 063209
Wilson & Campilongo, LLP
115 Sansome Street, Suite 400
San Francisco, California 94104
Telephone: (415) 391-3900

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD ARMSTRONG,

CASE NO. CV-N-97-00670 ECR (RAM)

Plaintiff,

vs.

DAVID MISCAVIGE and CATHY
NORMAN, individuals; CHURCH OF
SCIENTOLOGY INTERNATIONAL, a
California corporation; the RELIGIOUS
TECHNOLOGY CENTER, a California
corporation; the SEA ORGANIZATION,
a California based unincorporated entity;
and the CHURCH OF SCIENTOLOGY
OF TEXAS, a Texas corporation,

**MOTION OF DEFENDANTS CHURCH OF
SCIENTOLOGY OF TEXAS AND CATHY
NORMAN TO DISMISS COMPLAINT
FOR LACK OF SUBJECT MATTER
JURISDICTION; LACK OF PERSONAL
JURISDICTION; IMPROPER VENUE;
AND BECAUSE PLAINTIFF IS A
FUGITIVE FROM JUSTICE**

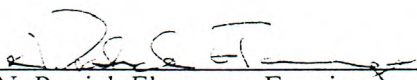
Defendants.

Defendants Church of Scientology of Texas ("CST") and Cathy Norman ("Norman") move this Court for an Order dismissing the Complaint in the above entitled action pursuant to Federal Rules of Civil Procedure 12(b)(1) and (2), on the grounds that (1) the Court lacks subject matter jurisdiction over this action because there is no diversity under 28 U.S.C. § 1332; (2) the Court lacks personal jurisdiction over Defendants CST and Norman, who have no contacts whatsoever with the forum state of Nevada, (3) venue

1 is improper under 28 U.S.C. § 1391(1); and (4) Plaintiff should be precluded from litigating this action
2 because he is a fugitive from justice.

3 In support of their Motion, Defendants CST and Norman submit the declaration of Cathy Norman
4 showing the lack of contacts of both CST and Norman with the forum state of Nevada, and a Memorandum
5 of Points and Authorities, both attached hereto. To avoid unnecessary duplication of briefing, CST and
6 Norman also rely upon and adopt the previously filed moving papers of Defendants Church of Scientology
7 International ("CSI") and Religious Technology Center ("RTC"), which fully set forth the factual basis and
8 legal authority for this Motion, other than the facts relating to Defendants CST and Norman's lack of contact
9 with Nevada, which are set forth herein.

10 DATED this 20th day of May, 1998.

11
12 
13 N. Patrick Flanagan, Esquire
Hale, Lane, Peek, Dennison, Howard,
Anderson and Pearl
100 West Liberty Street, Tenth Floor
P.O. Box 3237
Reno, Nevada 89505
Telephone: (702) 327-3000

17 Andrew Wilson, Esquire
Wilson & Campilongo LLP
115 Sansome Street, Suite 400
San Francisco, California 94104
Telephone: (415) 391-3900

20 Attorneys for Defendants